

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION

DANUTA PLYER,)	
)	
Plaintiff,)	
)	No. _____
vs.)	Judge _____
)	JURY DEMAND
NORTHLINE UTILITIES, LLC., and)	
JACOB D. SIMMONS,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants, Northline Utilities, LLC and Jacob D. Simmons, by and through counsel, file this Notice of Removal of this action from the Circuit Court in Hamilton County, Tennessee, where it is now pending, to the United States District Court for the Eastern District of Tennessee, based upon diversity of citizenship and an amount in controversy exceeding \$75,000.00. The grounds for removal are as follows.

Procedural Background

1. This action was commenced on or about July 22, 2022, by Plaintiff filing of the Complaint in the Hamilton County Circuit Court in Chattanooga, Tennessee, Case No. 22C764 (the "Complaint"). A true and accurate copy of the Complaint served upon Defendants in this action is attached as Exhibit A.

2. In her Complaint, Plaintiff sued Northline Utilities, LLC and Jacob D. Simmons. Plaintiff's cause of action arises from an automobile accident that occurred in Hamilton County, Tennessee on September 30, 2021. The Complaint contains allegations of negligence by Defendants. (Exhibit A, generally). The Complaint asserts that Plaintiff is entitled to recovery of \$540,000.00 in compensatory damages. (*Id.*, page 5).

3. Plaintiff is a citizen and resident of Buffalo Grove, Illinois. (Exhibit A., ¶ 1).

4. Defendant, Northline Utilities, LLC is a corporation organized under the laws of the State of New York and with its principal place of business in Au Sable Forks, New York. (*Id.*, ¶ 2).

5. Defendant, Jacob D. Simmons is a citizen and resident of Alna, Maine. (*Id.* ¶ 3).

6. The United States District Court for the Eastern District of Tennessee has original jurisdiction over this action pursuant to 28 U.S.C. § 1332, as there is complete diversity of the parties, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

7. This Notice is being filed within 30 days of service on the Defendants, pursuant to 28 U.S.C. § 1446. Each of the Defendants was served less than 30 days prior to the filing of this Notice.

8. A copy of this Notice of Removal is being served by U.S. mail on counsel for Plaintiff, and a Notice of Filing of Notice of Removal is being filed with the Hamilton County Circuit Court in Chattanooga, Tennessee, in accordance with 28 U.S.C. § 1446(d). (Copies of those notices are attached as Exhibit B.) The necessary filing fees have been paid simultaneously with the filing of the Notice of Removal.

9. Defendants demand a jury to try this case.

WHEREFORE, Defendants, Northline Utilities, LLC and Jacob D. Simmons pray this Court consider the Notice of Removal as provided by law governing removal of cases to this Court and that this Court enter the appropriate orders to effect the removal of this case from the Hamilton County Circuit Court in Chattanooga, Tennessee to this Court.

Respectfully submitted,

LEWIS THOMASON

By: /s/ Paige I. Bernick

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this the 26th day of August, 2022, a copy of the foregoing NOTICE OF REMOVAL was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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/s/ Paige I. Bernick